

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP). Interested persons are invited to present their views in writing to Thomas J. Flynn, III, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by February 24, 2004, the close of the drafting comment period.

Synopsis:

On December 31, 2002 (67 FR 80185) and October 27, 2003 (68 FR 61247), the United States Environmental Protection Agency (EPA) finalized revisions governing the New Source Review (NSR) program mandated by parts C and D of title I of the Clean Air Act (CAA). The major NSR program contained in parts C and D of title I of the CAA is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under the CAA. In areas not meeting health-based National Ambient Air Quality Standards (NAAQS), the program is implemented under the requirements of part D of title I of the CAA. This is referred to as the nonattainment NSR program. In areas meeting the NAAQS (attainment areas), the NSR requirements under part C of title I apply. This is referred to as the Prevention of Significant Deterioration (PSD) program. Collectively, these programs are commonly referred to as the major NSR program.

In accordance with EPA's final rule revisions, state agency programs must adopt and submit revisions to their State Implementation Plans (SIPs) to include the minimum program elements outlined in the final rules. States may choose to adopt provisions that differ from the final rules, however, to be approvable under the SIP, the state must show that the regulation is at least as stringent as EPA's amendments. In accordance with these rules, states are required to adopt and submit revisions to their SIPs no later than three years from the date that the rules were published in the *Federal Register*.

The Department is proposing to amend R.61-62 and the SIP pursuant to the federal requirements. These proposed amendments will require legislative review.